

ATTACHMENT 5

DRAFT

**FEDERAL REGISTER NOTICE OF
AGREEMENT SIGNING**

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U. S. Nuclear Regulatory Commission

State of Wisconsin: Discontinuance of Certain Commission Regulatory
Authority Within the State; Notice of Agreement Between the
NRC and the State of Wisconsin

Agency: U. S. Nuclear Regulatory Commission.

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Summary: This notice is announcing that on **June ??, 2003**, Dr. Nils J. Diaz, Chairman of the U. S. Nuclear Regulatory Commission (NRC) and on **July ??, 2003**, Governor Jim Doyle of the State of Wisconsin signed an Agreement as authorized by Section 274b of the Atomic Energy Act of 1954, as amended (Act). The Agreement provides for the Commission to discontinue its regulatory authority and for Wisconsin to assume regulatory authority over the possession and use of byproduct material as defined in Section 11e.(1) of the Act, source material and special nuclear materials (in quantities not sufficient to form a critical mass). Under the Agreement, a person in Wisconsin possessing these materials is exempt from certain Commission regulations. The exemptions have been previously published in the Federal Register (FR) and are codified in the Commission's regulations as 10 CFR Part 150. The Agreement is published here as required by Section 274e of the Act.

FOR FURTHER INFORMATION CONTACT: Lloyd A. Bolling, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone (301) 415-2327 or email LAB@NRC.GOV.

SUPPLEMENTARY INFORMATION:

The draft Agreement was published in the Federal Register for comment once a week for four consecutive weeks (see, e.g., 68 FR 17086, April 8, 2003) as required by the Act. The public comment period ended on May 8, 2003. The Commission received two comment letters which were addressed by the staff. One letter was supportive and encouraged the Agreement. The other letter raised questions about NRC's authority, under the Act, to transfer certain NRC programs or activities to the States and to require Agreement State compatibility with NRC programs. These are policy questions which were developed cooperatively with the States, over a period of several years. The ultimate interpretation of these policies rests with the Commission. These comments do not affect the NRC staff's assessment which finds that the Wisconsin Agreement materials program is adequate to protect public health and safety and compatible with the NRC's program and thus Wisconsin meets NRC's criteria for an Agreement. The proposed Wisconsin Agreement is consistent with Commission policy and thus meets the criteria for an Agreement with the Commission.

After considering the request for an Agreement by the Governor of Wisconsin, the supporting documentation submitted with the request for an Agreement, and its interactions with the staff of the Wisconsin Department of Health and Family Services, Radiation Protection Section, the NRC staff completed an assessment of the Wisconsin program. A copy of the staff assessment was made available in the NRC's PDR and electronically on NRC's website. Based on the staff's assessment, the Commission determined on **June 27**, 2003, that the proposed Wisconsin program for control of radiation hazards is adequate to protect public health and safety, and that it is compatible with the Commission's program.

Copies of the staff assessment, and the Commission's decision may be reviewed at the NRC website, <http://www.nrc.gov>.

Dated at Rockville, Maryland, this day of , 2003.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook
Secretary of the Commission